IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.1143 OF 2005
IN
SUMMONS FOR JUDGMENT NO.606 OF 2003
IN
SUMMARY SUIT NO.728 OF 2003

1. NAV Nirman Company & ors. Appellants
vs.
Polaroid India Private Limited Respondents

Mr.H.J.Thakkar, Senior Counsel with Mr.M.R.Dhameja for the appellants.

Mr.Carl Shroff i/b.Mr.A.T.Agarwal for the respondents.

CORAM : R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED : 10th January 2006

P.C.

Heard Mr.H.J.Thakkar, the learned senior counsel for the appellants and Mr.Carl Shroff, the learned counsel for the respondents.

2. At the outset Mr.Carl Shroff submitted that the plaintiffs are not desirous of claiming the interest amount of Rs.34,68,800/- (Rupees thirty four lacs sixty eight thousand eight hundred) and he prays for deletion of the said claim in the Suit. We accept his statement.

3. Having considered the matter, we are of the view that there is no justification for the appellants in withholding the security deposited by the respondents

under the leave and licence agreement save and except the society charges. The conditional leave granted by the trial Judge does not require interference save and except little modification.

4. The defendants are granted leave to defend the suit on the condition that the defendants deposit a sum of Rs.1,54,50,000/- (Rupees one crore fifty four lacs fifty thousand) within four weeks from today.

4. Appeal is disposed of accordingly.

(R. M. LODHA, J.)

(ANOOP V. MOHTA, J.)